IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12077 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution : NO

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5. Whether it is to be circulated to the Civil Judge? : NO

INDUMATI @ LILAVATI DHIRAJLAL DESAI

Versus

UNION OF INDIA

Appearance:

MR PP PUROHIT for Petitioner

MR DN PATEL for Respondent

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 24/12/2001

ORAL JUDGEMENT

1. Rule. Mr. D.N. Patel, learned Standing Counsel for the respondent authority, appears and waives service of Rule.

2. By means of this petition, the petitioner has sought for a direction to the respondent authority to correct the date of birth of the petitioner as 16/03/1935 in the passport instead of 10/03/1935, which is wrongly mentioned in the school leaving certificate. It is stated by the petitioner that the correct date of birth of the petitioner is 16/03/1935 as mentioned in the Village Form No. 14. But, due to some inadvertence the date of birth of the petitioner is wrongly mentioned in school leaving certificate as 10/03/1935.

3. The petitioner has moved before the respondent authority concerned for correction of the birth date in the passport. But, the respondent authority has not entertained the request of the petitioner and informed the petitioner that it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the Court of law.

4. In the facts and circumstances of this case, this application is disposed of finally and the respondent authority concerned is directed to entertain, consider and decide the application, which shall be made by the petitioner, in accordance with law and in case of decision being in favour of the petitioner, make correction with regard to the date of birth of the petitioner as 16/03/1935 instead of 10/03/1935 in the passport on the basis of the Village Form No. 14 produced by the petitioner and to issue the passport with correct date of birth of the petitioner as 16/03/1935, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent only. No order as to costs. Direct service is permitted.

(Ravi R. Tripathi, J.)

kamlesh*